

ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS
PETROLEUM AND CHEMICAL SUBSTANCES

Sub-Chapter 14

Underground Storage Tank Licensing

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Sub-Chapter 14

Underground Storage Tank Licensing

17.56.1401 GENERAL LICENSE REQUIREMENTS; DEFINITIONS

(1) Except as provided in 75-11-213(7) and 75-11-510(2), MCA, a person may not install, close, or inspect an underground storage tank system unless that individual has a valid license issued by the department under 75-11-210 or 75-11-214, MCA, and this subchapter.

(2) All installation, closure, compliance or oversight inspections must be personally performed by a licensed inspector in accordance with this chapter.

(3) Installation or closure inspectors shall ensure that the installation or closure of underground storage tank systems is performed according to Title 75, chapter 11, part 2, MCA, the rules adopted thereunder and any permit conditions.

(4) Compliance and oversight inspectors shall examine, assess, and document the presence, condition and performance of all the facility's underground storage tank systems including, but not limited to, release detection equipment, spill and overfill prevention devices, and cathodic protection equipment. Compliance and oversight inspectors shall also verify that testing, monitoring and recordkeeping are being performed as required.

(5) The requirements of this subchapter do not prohibit the employment by a licensed installer of any assistants, helpers, or apprentices who have not been issued their own installer license to work at any installation or closure site so long as the licensed installer is physically present at the installation or closure and personally exercises supervisory control over those unlicensed persons.

(6) Licenses issued under this subchapter are non-transferable.

(7) The definitions contained in ARM 17.56.1301 are applicable to this subchapter. (History: 75-11-204, 75-11-505, MCA; IMP, 75-11-204, 75-11-209, 75-11-210, 75-11-212, 75-11-214, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2005 MAR p. 443, Eff. 4/1/05.)

17.56.1402 ELIGIBILITY FOR LICENSE (1) A person may not be granted an installer license by the department unless that person:

- (a) is a natural person at least 18 years old;
- (b) has submitted a completed license application to the department in accordance with ARM 17.56.1403;
- (c) has paid the appropriate license and examination fees as provided in ARM 17.56.1404 to the department;
- (d) has successfully completed the licensing examination required by ARM 17.56.1405; and
- (e) has not been cited for violations of state and federal underground storage tank laws and has not had a similar license suspended or revoked in this state, another state, or US territory.

(2) A person may not be granted an installation or closure inspector's license unless that person:

- (a) meets the criteria of (1); and
- (b) is a department employee or an employee or independent contractor of a local governmental unit designated for the purpose of this subchapter as an implementing agency in the manner provided in ARM 17.56.1004.

(3) A person may not be granted a compliance inspector's license unless that person:

- (a) meets the criteria of (1); and
- (b) successfully completes the licensing training and practical examination required by ARM 17.56.1405.

(4) A person may not be granted an oversight inspector's license unless that person:

- (a) meets the eligibility requirements in (3); and
- (b) is a department employee or an employee or independent contractor of a local governmental unit designated for the purpose of this subchapter as an implementing agency in the manner provided in ARM 17.56.1004, unless otherwise approved by the department. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, 75-11-214, 75-11-505, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2003 MAR p. 1079, Eff. 5/23/03.)

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17.56.1403 LICENSE APPLICATION (1) There are five categories of licensees:

(a) installers, who install or close underground storage tank systems;

(b) installation inspectors, who inspect underground storage tank installations;

(c) closure inspectors, who inspect underground storage tank closures;

(d) compliance inspectors, who inspect operating underground storage tank facilities for compliance with underground storage tank regulations; and

(e) oversight inspectors, who conduct oversight inspections to verify accuracy of inspection reports submitted by compliance inspectors.

(2) An applicant for an installer license may apply to restrict that license to any one or more of the following categories:

(a) lining;

(b) corrosion protection;

(c) external leak detection; or

(d) closure.

(3) An application for a license under this subchapter must be made on the appropriate form provided by the department. On the form the applicant must provide all the information required by the department.

(4) The application must be subscribed and verified upon oath or affirmation before a notary public and must state that the information provided in the application is true.

(5) An application for an installer license must be accompanied by at least 3 references from other persons attesting to the applicant's experience in the installation and closure of underground tank systems. The references must be written on forms provided by the department.

(6) References for an applicant seeking an installer license must show that the applicant actively participated in at least 3 underground storage tank system installations and 2 closures that were completed in accordance with applicable statutes and rules in the last 3 years, unless the applicant requests to have his or her license restricted. If the request is to restrict the license to tank lining, cathodic protection system installation; external leak detection device installation, or closure, the applicant shall so state on the application, and the references need only address the applicant's requested area of restricted professional work. The following application and reference requirements also apply:

(a) References for an applicant seeking a license restricted to conducting tank system closures must establish that the applicant actively participated in at least 3 closures or installations in the last 3 years.

(b) References for an applicant seeking a license restricted to conducting cathodic protection system installations must establish that the applicant actively participated in at least 2 cathodic protection system installations in the last 3 years.

(c) References for an applicant conducting external leak detection device installations must establish that the applicant participated in at least 2 external release detection device installations in the past 3 years. An applicant holding a current monitoring well constructor's license may provide a copy of that license in lieu of the required references.

(d) References for an applicant seeking a license restricted to conducting tank system linings must establish that the applicant actively participated in at least 2 tank linings in the last 3 years.

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(7) An application for an installation or closure inspector license must, in addition to the other requirements of this rule, be accompanied by at least 3 references attesting to the applicant's experience in inspections and underground storage tank regulations relating to installation and closure. The references must be written on forms provided by the department.

(8) An application for a compliance or oversight inspector license must, in addition to the other requirements of this rule, be accompanied by at least 3 references attesting to the applicant's experience in underground storage tank regulations, operation, maintenance, and inspections. The references must be written on forms provided by the department.

(9) The department shall evaluate applications and attachments for conformity with this subchapter and Title 75, chapter 11, part 2, MCA. The department shall notify an applicant if it determines that an application is incomplete and shall provide an explanation of what information is needed for the application to be considered complete. The department shall hold incomplete applications pending the receipt of additional information. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

17.56.1404 LICENSE FEES (1) An individual applying for an underground storage tank installer's license shall pay to the department the applicable fee(s) provided in (2). All fees are non-refundable.

(2) Licensing fees are as follows:

(a) license application and examination fee..... \$ 100

(b) annual license renewal fee..... \$ 100

(c) actual cost of production and distribution of study guides

(d) reexamination fee..... \$ 35

(e) duplicate license fee..... \$ 10

(3) "Actual cost of production and distribution" includes reproduction costs, bindery charges, purchase and shipment of copyrighted material, and the cost of postage, packing and shipping guides to requesters. The department shall annually review and re-calculate the actual production and distribution costs for the various study guide materials. The department shall make the most recent data and calculations used available for public inspection at the UST program office.

(4) Department and local government installation, closure and oversight inspectors are exempt from the licensing fees described in this rule.

(5) Failure to pay license fees may result in the denial, non-renewal or revocation of a license issued under this subchapter. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00; AMD, 2005 MAR p. 443, Eff. 4/1/05.)

17.56.1405 LICENSE EXAMINATION AND RE-EXAMINATION

(1) To become licensed an applicant for a license must successfully complete a written examination. The department shall offer the examination a minimum of 2 times per year at such time(s) and place(s) as the department determines. The department shall give public notice of the time and place of the examination by submitting a news release to the daily newspapers of general circulation within the state of Montana.

(2) To take the examination, the applicant must register with the department for the examination at least 20 days before an examination is scheduled by submitting a completed license application to the department and paying the license application and examination fee provided in ARM 17.56.1404.

(3) An applicant may obtain an examination study guide from the department by paying the study guide fee as provided in ARM 17.56.1404. The study guide must contain such material as the department determines will assist individuals in preparing for the licensing examination.

(4) The examination must test the applicant's knowledge of the statutes, rules, current technology and industry recommended practices applicable to the type of license sought.

(5) An applicant for an installer license who:

(a) holds a current monitoring well constructor's license which has been issued by the board of water well contractors pursuant to the requirements of ARM Title 36, chapter 21; and

(b) requests that the installer license be restricted to the installation of external leak detection devices, must pass, in lieu of the examination required of other applicants, a department-approved test designed for licensed monitoring well constructors concerning underground storage tank law and regulations, safety, and leak detection monitoring well installation.

(6) To qualify for licensing, an applicant for a compliance and oversight inspector license must have completed an inspector training course approved by the department that includes training in the operation and maintenance of release detection, corrosion protection, spill and overfill equipment; regulatory compliance; and field testing of inspection abilities. The applicant must also successfully complete a field practical examination.

(7) To prepare and administer an examination, the department may utilize a national certification examination or the services of organizations which have expertise and experience in the development and administration of licensing and code examinations. Such organizations must use nationally recognized educational standards and methods to develop and validate the examination used by the department.

(8) A score of 80% or higher on the examination and on the compliance and oversight inspector field practical constitutes a passing grade. The department shall notify applicants of their examination score within 30 days of the date when the department receives the score.

(9) Department and local implementing program installation or closure inspectors licensed as of January 1, 2000 are not required to complete the installation or closure inspector licensing examination.

(10) An applicant who fails the examination may retake the examination only twice at any subsequently scheduled examination date by registering in the same manner as for the original examination, and by paying the reexamination fee provided in ARM 17.56.1404. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

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17.56.1406 LICENSE ISSUANCE, TERM, RESTRICTIONS

(1) The department shall issue a license upon the applicant's satisfaction of the applicable provisions of this subchapter and Title 75, chapter 11, part 2, MCA. The license must set forth the name of the licensee, a license identification number, the type of license issued, the dates of issuance and expiration of the license and any restrictions.

(2) A license issued under this subchapter expires on the third anniversary of its issuance.

(3) Licenses may be revoked, suspended, modified or restricted prior to expiration in accordance with 75-11-211, MCA, (4) of this rule, and ARM 17.56.1423 through 17.56.1426, as applicable.

(4) If the department determines that restrictions are necessary to protect the public's or licensee's health, safety or welfare, or to protect the environment, upon issuance or renewal of a license or at other times in accordance with ARM 17.56.1423, the department may restrict or condition a license limiting the licensee in the time, type or manner of work to be performed pursuant to the license or impose any other conditions it deems appropriate.

(5) No license may be granted unless the department determines, on the basis of the application and attachments and the examination given under ARM 17.56.1405, that the applicant possesses the necessary competence and experience. The applicant must be able to understand and comply with the rules governing the subject area in which the applicant intends to be licensed, and must understand the techniques required to ensure that the applicant's actions will protect public health, safety and the environment. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, 75-11-509, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

17.56.1407 LICENSE RENEWAL (1) A licensee not requesting a change from the type of license currently held may renew the license if the licensee completes a renewal application form provided by the department, pays the license renewal application fee required by ARM 17.56.1404, and provides sufficient proof that the applicant has satisfactorily completed the continuing education requirements required by (3), (4) or (5) of this rule.

(2) The department shall renew the license of any person who complies with the provisions of (1) within 30 days of receipt of the renewal application.

(3) Licensed installers whose licenses are restricted to closures and licensed closure inspectors must provide documentation of completion of 2 department-approved training courses for a total of 8 credit hours of continuing education within the 3 years prior to the date the current license expires. Four credit hours of the continuing education must be a department-approved closure refresher training course.

(4) A licensed installer whose license is restricted to the installation of external leak detection devices need not take formal continuing education courses to demonstrate continuing competency in monitoring well installation if the installer:

(a) is currently a licensed water well constructor;

(b) submits to the department a copy of the current water well constructor license; and

(c) provides evidence of at least 3 successful installations performed within the 3 years prior to the date the current installer license expires.

(5) All licensees not subject to (3) or (4) must provide documentation of completion of at least 2 department-approved or sponsored continuing education courses for a total of 16 credit hours of continuing education within the 3 years prior to the date the current license expires. Eight credit hours of the continuing education must be earned by completing a department-approved refresher training course for the type of license held.

(6) The department shall notify a licensee of the impending expiration of the license at least 60 days prior to the expiration date of the license. The licensee shall keep the department informed of the licensee's current address for notification purposes. Failure of the department to notify the licensee does not affect the expiration of the license.

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(7) An installer whose license has expired for any reason is subject to the same licensing requirements as a new applicant, including payment of the license application and examination fees and the satisfactory completion of the written licensing examination. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, 75-11-509, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

17.56.1408 APPROVAL OF CONTINUING EDUCATION COURSES

(1) An entity offering a continuing education course intended to fulfill the requirements of ARM 17.56.1407, or an installer planning to take the course, must submit a detailed description of the course to the department for approval of the course at least 15 days before the beginning of the course.

(2) The department shall approve the continuing education course if it finds that it:

(a) is relevant to the subject area of installation, management, inspection, regulation or closure of underground storage tank systems; and

(b) offers instruction on current technology or methods for the subject(s) in (2)(a) above and that technology or those methods will satisfy applicable department rules. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

17.56.1409 DUPLICATE LICENSES

(1) The department shall issue a duplicate license to replace a lost, damaged, or destroyed license upon receipt of sufficient evidence indicating the loss, damage or destruction and upon payment of the duplicate licensing fee provided in ARM 17.56.1404. The duplicate license must be designated as a duplicate and contain the same information and restrictions as the original license. A duplicate license is subject to the same rules and requirements as an original license. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-509, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

17.56.1410 LICENSEE RECORD KEEPING (1) Within 30 days of completion of an underground storage tank system installation or closure, a licensed installer shall submit to the department and to the owner or operator:

(a) one copy of the installation or closure permit signed by the installer certifying that the work was completed according to the applicable state statutes, rules and any permit conditions;

(b) for installations, one copy of the certificate of compliance signed by the installer; and

(c) for closures, one copy of each closure form signed by the licensed installer and owner and one copy of the laboratory results for the site assessment.

(2) If the installation or closure is conducted by the owner or operator with an on-site installation or closure inspector, the documents specified in (1) must be signed by the installation or closure inspector and underground storage tank system owner or operator and a copy returned to the department by the owner or operator. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-210, 75-11-211, MCA; EMERG, NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2005 MAR p. 443, Eff. 4/1/05.)

Rules 17.56.1411 through 17.56.1420 reserved

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17.56.1421 DISCIPLINARY AND OTHER LICENSING ACTION

GENERALLY (1) The department may restrict, condition, modify, suspend, revoke or refuse to renew any license, previously issued under this subchapter upon its finding that there is substantial evidence that the licensee has committed any of the following:

(a) failure to meet the standards for issuance of an original license, as provided in 75-11-210 and 75-11-211, MCA, and this subchapter;

(b) fraud or deceit in applying for a license or permit;

(c) a violation of any statute or rule governing the installation, closure or inspection of an underground storage tank system of the department, the United States, any other state or US territory;

(d) a violation of any statute or rule of the department governing the licensing of underground tank system installers or inspectors including any of the rules of professional conduct provided in this subchapter;

(e) a violation of the terms of any license, permit, order or stipulation issued or agreed to by the department relating to the installation, closure or inspection of an underground storage tank system or installer's or inspector's license;

(f) had a similar license suspended or revoked in this state, another state or US territory; or

(g) fails to pay the license fees required by ARM 17.56.1404.

(2) The department may also restrict, condition or modify any license upon its finding that there is substantial evidence that:

(a) the licensee lacks the education, training or experience necessary to conduct any installation, closure, or inspection; and

(b) the condition or modification is necessary to protect the environment or the health, welfare or safety of the licensee, the licensee's employee(s) or the public.

(3) In determining whether to restrict, condition, modify, suspend, revoke or refuse to renew a license under this rule, the department shall consider:

(a) the type and seriousness of any violation, including the degree of culpability of the licensee;

(b) the threat of or actual injury to health, welfare, or safety of the licensee, the licensee's employee(s), the public, or to the environment; and

(c) any past or pending disciplinary actions against the licensee.

(4) The department shall restrict, condition, modify, suspend, revoke or refuse to renew any license under this rule in the manner provided by this rule and ARM 17.56.1423 through 17.56.1426.

(5) An order issued by the department under this rule must be sent to the licensee and must be accompanied by a written statement of the reasons for and term(s) and condition(s) of the department's action and a written statement of the rights of the licensee, including the right to appeal to the board in accordance with 75-11-218, MCA.

(6) Action taken by the department under this subchapter is effective pending appeal to the board. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, 75-11-509, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

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17.56.1422 PROHIBITION OF UNPROFESSIONAL LICENSEE CONDUCT

(1) Any of the following acts of a person licensed under this subchapter constitute unprofessional conduct, are prohibited and may result in the department conditioning, restricting, suspending or revoking a license issued under this subchapter:

- (a) false, fraudulent, or misleading advertising;
- (b) misrepresentation or fraud in any aspect of the installation, closure, or inspection of an underground storage tank system;
- (c) participation in any unlawful unpermitted underground storage tank system installation or removal;
- (d) failure to cooperate with the department by:
 - (i) not furnishing to the department upon its request a full and complete written explanation covering the matter contained in any complaint filed with the department;
 - (ii) not responding to a subpoena issued by the department or any court, whether or not the recipient of the subpoena is the respondent named in any proceeding; or
 - (iii) failing to submit the signed permit and the installation or closure checklist;
- (e) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts to the department or its authorized representative, or by the use of threats or harassment against any person to prevent the person from providing evidence in any agency proceeding or legal action relating to underground storage tank systems;
- (f) failure to make available, upon request of a client using the licensee's services, or upon request of the client's designee, copies of documents in the possession and under the control of the licensee, when those documents have been prepared by the licensee relating to the licensee's services performed for the client;

(g) failure to comply with an order issued by any court or by the department, with a permit condition, or with a consent order or stipulation entered into with the department;

(h) failure to adequately supervise the licensee's employee(s)' compliance with statutes and rules relating to underground storage tank systems;

(i) aiding or abetting an unlicensed person to install, close, or inspect an underground storage tank system;

(j) violation of any state or federal statute or administrative rule, or any ordinance of a political subdivision relating to the installation or closure of an underground storage tank system;

(k) failure to display his or her license upon request of any client, prospective client or any department or local inspector;

(l) failure to adequately inspect an underground storage tank system;

(m) undertaking work from which the licensee has been prohibited by the terms of a license, permit, or order issued by the department; or

(n) offering, giving, soliciting, or receiving, directly or indirectly, any commission, gift, or other valuable consideration in exchange for the grant of a license from the department or to obtain a license for another. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00.)

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17.56.1423 RESTRICTING OR CONDITIONING OF LICENSE

(1) Upon making the finding required by ARM 17.56.1421, the department may restrict or condition a new or previously issued license.

(2) Upon a written demand by the department, a licensee shall surrender his or her license to the department, whereupon the department shall issue a new license with the restrictions or conditions imposed by the department stated or referenced on the license. Whether or not a license is surrendered, the department may issue a restricted or conditional license in accordance with this subchapter and the licensee shall comply with the restrictions or conditions stated or referenced thereon. The department shall inform the licensee in writing of the reasons for and term(s) of any restrictions or condition(s).

(3) As a condition of any license, the department may add any term, requirement, restriction or condition not prohibited by law which, in the judgment of the department, will protect the environment or the health of the licensee, the licensee's employee(s), or the public safety or welfare. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

17.56.1424 MODIFICATION OF LICENSE (1) Upon making the finding required by ARM 17.56.1421, the department may modify the terms, restrictions, or conditions of any previously issued license.

(2) Upon written demand by the department, a licensee shall surrender his or her license to the department, whereupon the department shall issue a new license with any modification imposed by the department. Whether or not a license is surrendered, the department may issue a modified license in accordance with this subchapter and the licensee shall comply with the terms of the modified license. The department shall inform the licensee in writing of the reasons for and term(s) of the modification(s).

(3) The modification of a license by the department may be appealed as provided in 75-11-218, MCA. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2559; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

17.56.1425 SUSPENSION OF LICENSE (1) Upon making the finding required by ARM 17.56.1421, the department may suspend any previously issued license.

(2) Upon suspending a license, the department shall inform the licensee in writing of the reason for and term(s) of the suspension. The department shall demand and upon demand the licensee shall surrender his or her license to the department. Whether or not a license is surrendered, the suspension is effective upon notice to the licensee for the term determined by the department.

(3) A licensee may not practice or undertake the acts for which he or she was licensed during the term of the license suspension. The department may determine to issue a modified, restricted or conditional license, during the term of the suspension, upon consideration of the factors provided in and in accordance with ARM 17.56.1421.

(4) Upon expiration of the term of suspension, the department shall return the license to the licensee and inform him or her in writing of the reinstatement of the license. The reinstated license may contain such restrictions, conditions, or modifications as the department may impose in accordance with ARM 17.56.1423 and 17.56.1424.

(5) The suspension of a license issued under this subchapter may be appealed as provided in 75-11-218, MCA. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

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17.56.1426 LICENSE REVOCATION (1) Upon making the finding required by ARM 17.56.1421, the department may revoke a previously issued license.

(2) Upon revoking a license, the department shall inform the licensee in writing of the reason(s) for and fact of the revocation. The department shall demand and upon demand the licensee shall surrender his or her license to the department. Whether or not a license is surrendered, the revocation is effective upon notice to the licensee.

(3) A person whose license has been revoked shall not practice or undertake the acts for which he or she was licensed without again applying for and being licensed by the department in the manner of an original license.

(4) A person whose license has been revoked may not reapply for a license for any term in which application is prohibited by the department and for which the person is informed in writing.

(5) The revocation of a license issued under this subchapter may be appealed as provided in 75-11-218, MCA. (History: 75-11-204, MCA; IMP, 75-11-204, 75-11-211, MCA; NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 969, Eff. 4/14/00.)

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